

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAYTON MATZINGER,

Plaintiff,

No. 23-12053

v.

Hon. Nancy G. Edmunds

BLUE CROSS BLUE  
SHIELD OF MICHIGAN,

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM**

Plaintiff Payton Matzinger brings this case against her former employer, Defendant Blue Cross Blue Shield of Michigan, alleging religious discrimination under Title VII of the Civil Rights Act ("Title VII") and Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"). The Court has federal question jurisdiction over Plaintiff's Title VII claims (Counts I and II), but Plaintiff's ELCRA claim (Count III) is based on state law. Because the parties in this case are nondiverse, the Court declines to exercise supplemental jurisdiction over the ELCRA claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, pursuant to § 1367(c), Plaintiff's state law claim in Count III of her complaint is hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: October 10, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 10, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager